

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PROJECT VERITAS and PROJECT VERITAS ACTION FUND,	:
	Civil Action No. 7:23-cv-04533
Plaintiffs,	:
-against-	:
JAMES O'KEEFE, TRANSPARENCY 1, LLC d/b/a O'KEEFE MEDIA GROUP, ANTHONY IATROPOULOS, and RC MAXWELL,	:
Defendants.	:
	<b>PLAINTIFFS' RESPONSE TO DEFENDANTS O'KEEFE AND OMG'S MOTION FOR ORDER AUTHORIZING ALTERNATIVE SERVICE OF SUBPOENA FOR THIRD PARTY MATTHEW TYRMAND</b>
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Plaintiffs Project Veritas and Project Veritas Action Fun do not oppose the relief requested in Defendants O'Keefe and OMG's Motion for Order Authorizing Alternative Service of Subpoena for Third Party Matthew Tyrmand (ECF No. 101). If Defendants wish to depose Mr. Tyrmand and seek documents from him, that is their prerogative, and if they have exhausted ordinary means to serve him,<sup>1</sup> Plaintiffs will not stand in the way of alternative service via email and/or X/Twitter post.

However, nothing in this response should be construed as an admission of any facts set forth in Defendants' motion. Nothing in the claims or counterclaims hinge on Mr. Tyrmand, a former board member of Project Veritas, not its agent. Mr. Tyrmand did not commit any of the breaches of duty for which Defendants are liable, and Plaintiffs are not liable to Mr. O'Keefe for any actions of Mr. Tyrmand. Mr. Tyrmand's extracurricular podcasting and social media posts

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<sup>1</sup> Plaintiffs take no position on whether Defendants' efforts were sufficient, but note that half of their efforts appear to have been attempts to serve a subpoena meant for a different person, Barry Hinckley, upon Mr. Tyrmand. (ECF No. 101-2 at 2).

have nothing to do with Plaintiffs. Mr. Tyrmand is simply a fact witness. There is nothing essential about his testimony or documents in his possession.<sup>2</sup>

WHEREFORE Plaintiffs offer no objection to the relief requested in the motion for alternative service.

Dated: December 11, 2024.

Respectfully Submitted,

/s/ Jay M. Wolman

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<sup>2</sup> Non-opposition to service of the subpoena is not intended to be a waiver of any rights Plaintiffs may have to object to specific document requests or otherwise ensure that documents that may be produced are properly protected.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 11, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that a true and correct copy of the foregoing document is being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully Submitted,

*/s/ Jay M. Wolman*  
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Jay M. Wolman (JW0600)